

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:23-CV-270

MACKENZIE ELAINE BROWN

Plaintiffs,

v.

HENDERSON COUNTY  
SHERIFF'S OFFICE, et al.

Defendants.

EXHIBIT 5      DISMISSAL

# STATE OF NORTH CAROLINA

HENDERSON County

File No.

21C25053859

In The General Court Of Justice

☒ District ☐ Superior Court Division

NOTE: Do not use this form for cases covered by G.S. 20-138.4. Use form AOC-CR-339 instead.

## STATE VERSUS

Defendant Name

Brown, Mackenzie

## DISMISSAL

### NOTICE OF REINSTATEMENT (For Offenses Committed On Or After Dec.1, 2013)

G.S. 15A-302(e), -931, -932

File Number	Count No.(s)	Offense(s)
		( ) Registration/Inspection ( ) Insurance ( ) Revoked Tag ( ) Seatbelt ( ) NOL ( ) DWLR ( ) Speeding ( ) C & R ( ) Unsafe movements; 20-154 ( ) Stop Sign, Red light ( ) FTA ( ) Other: <u>IPP</u>

☐ See Additional File Numbers And Offenses on Side Two.

### ☒ DISMISSAL

NOTE: Recall all outstanding Orders For Arrest in a dismissed case.

The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:

- ☐ 1. No crime is charged.  
☐ 2. There is insufficient evidence to warrant prosecution for the following reasons:

- ☐ 3. Defendant has agreed to plead guilty to the following charges:

in exchange for a dismissal of the following charges:

- ☐ 4. The defendant was charged as the result of ☐ defendant's identity being used without permission. ☐ mistaken identity.  
(NOTE TO PROSECUTOR: You must notify the Court of this dismissal. The Court should use AOC-CR-283, Order Of Expunction Under G.S. 15A-147(a1) (Identify Theft Or Mistaken Identification) to expunge charges.)

- ☒ 5. Other: (specify) ☐ See additional information on reverse.  
( ) NISITP ( ) VALID ( ) INS. PAID ( ) DDS ( ) REST. PAID ( ) PLED ( ) CODEF PLED ( ) FSWTAP  
( ) VICTIM REQUEST ( ) LEO REQUEST ( ) CROSS WARRANT ( ) INDICTMENT ( ) COMM. SERVICE  
( ) SAFELIGHT ( ) MEDIATION ( ) OTHER:

A jury has not been impaneled nor has evidence been introduced. (If a jury has been impaneled, or if evidence has been introduced, modify this sentence accordingly.)

### ☐ DISMISSAL WITH LEAVE

The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:

- ☐ 1. The defendant failed to appear for a criminal proceeding at which the defendant's attendance was required and the prosecutor believes that the defendant cannot readily be found.  
☐ 2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.  
☐ 3. The defendant has entered into a deferred prosecution agreement with the prosecutor in accordance with the provisions of Article 82 of G.S. Chapter 15A.

NOTE: Pursuant to the repeal of G.S. 15A-1009, the prosecutor can no longer dismiss charges with leave for defendants found incapable to proceed.

NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court. Also, in accordance with G.S. 15A-931(a1), unless the defendant or the defendant's attorney has been otherwise notified by the prosecutor, a written dismissal of the charges against the defendant must be served in the same manner prescribed for motions under G.S. 15A-951. If the record reflects that the defendant is in custody, the written dismissal shall also be served by the prosecutor on the chief officer of the custodial facility where the defendant is in custody.

Date 10/25/22	Name Of Prosecutor (type or print) AM JM ED HB LM CN AC JTW	Signature Of Prosecutor 
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### ☐ REINSTATEMENT

This case, having previously been dismissed with leave as indicated above, is now reinstated for trial.

Date	Name Of Prosecutor (type or print)	Signature Of Prosecutor
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